HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14020 of 2006

Dated:16.11.2006

Between:

N.Gnaneshwar.

…Petitioner

and

The Joint Collector-II and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14020 of 2006

ORDER:

The petitioner claims to have purchased land admeasuring Ac.1.27 guntas in Survey No.17 situated at Hydernagar Village of Balanagar Mandal in Ranga Reddy District, from the legal heirs of the original Inamdar. It appears respondents 2 to 4 herein approached the Inams Tribunal-cum-Revenue Divisional Officer under the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (for short 'the Act'), and obtained Occupancy Rights Certificate (ORC) vide proceedings dated 28.11.1997. Alleging that ORC was issued by the Revenue Divisional Officer without notice to him, the petitioner preferred an appeal before the Joint Collector, the first respondent herein, in 2004. The same was rejected by the first respondent on 09.05.2006 as not maintainable, relying on the order of the Revenue Divisional Officer dated 28.11.1997 in File No.L/655/1997 which was confirmed by the first respondent in File No.F1/2055/2000, dated 24.03.2001. This order is assailed in the Writ Petition.

This Court while admitting the Writ Petition on 01.08.2006 ordered *status quo,* and subsequently the *status quo* order was continued until further orders as the learned Assistant Government Pleader did not file the counter affidavit. Respondents 2 to 4 have now

come forward with an application to vacate the interim order. As the matter for the present is in a narrow compass, the matter is heard finally and is being disposed of with the consent of both the learned Counsel.

It is the case of the contesting respondents that Chakali Balaiah and five others were original inamdars who sold the property to the fourth respondent under registered sale deed. Subsequently, the second respondent purchased the property from one U.Nageswara Rao, who purchased from Surya Manikyam, an alienee of the property. It is also the case of the contesting respondents that the second respondent approached the Revenue Divisional Officer for ORC, which was granted for an extent of Ac.1.10 guntas, and the remaining extent of Ac.0.17 guntas was divided between respondents 3 and 4. They also allege that an appeal filed after a period of nine years is not maintainable.

The first respondent has not filed a counter affidavit.

During the course of making submissions learned Counsel for the petitioner and the learned Counsel for respondents 2 to 4 do not dispute seriously that the order of the first respondent is vitiated by misdirection in law. It is admitted that the order passed by the Revenue Divisional Officer on 28.11.1997 in File No.L/655/1997, as confirmed by the first respondent by order dated 24.03.2001 is nothing to do with the land in Survey No.17 of Hydernagar Village nor the *lis* between the petitioner and respondents 2 to 4. However, the learned Assistant Government Pleader for Revenue (General-T) submits that in the order passed by the Revenue Divisional Officer in File No.L/655/1997, there is a reference to Survey No.17 of Hydernagar Village. This, however, does not in any manner dilute the force in the arguments made by the learned Counsel for the petitioner. Therefore, this Court is convinced that the Joint Collector should once again look into the appeal filed by the petitioner on its own merits with reference to the claim of respondents 2 to 4 in whose favour the Revenue Divisional Officer issued ORC on 28.11.1997.

Therefore, this Writ Petition is disposed of. The impugned order dated 09.05.2006 is set aside, and the matter is remitted to the Joint Collector with a direction to dispose of the matter within a period of four weeks from the date of receipt of a copy of this order after giving adequate opportunity to the petitioner and respondents 2 to 4. The position as it obtained when ORC was issued, shall remain till it is

modified by the Joint Collector. No costs.

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(V.V.S.RAO, J)

16.11.2006
Note: Issue C.C by 20.11.2006.
B/o.
vs